

立法會
Legislative Council

LC Paper No. CB(1)1872/03-04
(These minutes have been seen
by the Administration)

Ref: CB1/BC/6/02

**Bills Committee on
Construction Workers Registration Bill**

**Tenth meeting on
Thursday, 13 May 2004, at 10:45 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon CHAN Kwok-keung, JP (Chairman)
Hon Cyd HO Sau-lan
Hon LEE Cheuk-yan
Hon LI Fung-ying, JP
- Members absent** : Ir Dr Hon Raymond HO Chung-tai, JP
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon LEUNG Fu-wah, MH, JP
Hon LAU Ping-cheung
- Public Officers attending** : Mr Helius K M NG
Principal Assistant Secretary for the Environment,
Transport and Works (Works)
- Mr S Y LAM
Acting Chief Assistant Secretary for the Environment,
Transport and Works (Works)
- Mr Lawrence S Y PENG
Deputy Principal Government Counsel
Department of Justice
- Ms Selina LAU
Government Counsel
Department of Justice

Clerk in attendance : Mr Andy LAU
Chief Council Secretary (1)2

Staff in attendance : Miss Monna LAI
Assistant Legal Adviser 7

Ms Alice AU
Senior Council Secretary (1)5

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I Confirmation of minutes of meeting and matters arising

(LC Paper No. CB(1)1768/03-04 - Minutes of meeting held on 29 April 2004)

The minutes of meeting held on 29 April 2004 were confirmed.

II Meeting with the Administration

- (LC Paper No. CB(1)1767/03-04(01) - The Administration's response to matters raised by the Bills Committee at the ninth meeting on 29 April 2004;
- LC Paper No. CB(3)464/02-03 - The Bill;
- LC Paper No. CB(1)1767/03-04(02) - Draft Committee Stage amendments proposed by the Administration;
- LC Paper No. CB(1)1767/03-04(03) - Marked-up copy of newly-proposed Committee Stage amendments prepared by the Administration;
- LC Paper No. CB(1)1437/03-04(03) - Marked-up copy of the Bill prepared by the Administration for the eighth meeting on 7 April 2004;
- LC Paper No. CB(1)1783/03-04(01) - Letter dated 10 May 2004 from the Assistant Legal Adviser to the Administration setting out her comments on the English version of the draft Committee Stage amendments proposed by the Administration; and
- LC Paper No. CB(1)1802/03-04(01) - Letter dated 11 May 2004 from the Assistant Legal Adviser to the Administration setting out her comments on the Chinese version of the draft Committee Stage amendments proposed by the

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Administration.)

2. The Bills Committee deliberated (index of proceedings attached at **Annex A**).

3. The Bills Committee took note of the Administration's response to the comments made by members at the last meeting held on 29 April 2004, as well as the newly-proposed Committee Stage amendments on prosecution and investigation powers of the Construction Workers Registration Authority (LC Paper No. CB(1)1767/03-04(01)).

4. The Bills Committee noted that the Administration would further revert to members on the following matters pending consultation with the trade associations and trade unions:

- (a) arrangements for handling application for re-registration from a person who obtained the first registration through grandfathering arrangement;
- (b) expiry of registration as registered skilled workers (transitional); and
- (c) qualifying period for senior workers to be registered as skilled workers (transitional).

Admin 5. The Bills Committee requested the Administration to consider and provide further information on the following issues:

- (a) to address members' concern about the need to provide adequate safeguard to "authorized officers" who were empowered to use force to enter and search a construction site under the new clause 17B, taking into account the fact that as such authorized officers were not properly trained as the Police in handling such duties, they might lack the necessary protection in case they met with resistance. In this connection, it might be more appropriate if assistance could be provided by the Police when enforcement actions were required;
- (b) to specify under clause 55(2) that the five members of an Appeal Board would be selected from different groups of the Appeal Board panel;
- (c) to improve the drafting of the Chinese text of clause 54(3)(b) from "的年期" to "其任期"; and
- (d) to consider amending clause 58(1)(b) so that the Appeal Board could have the flexibility of requiring an appellant to undergo training courses if such an option was adopted to ascertain the level of competence of senior workers to be registered as skilled workers (transitional).

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III Any other business

6. Members agreed that the next meeting would be held on Friday, 21 May 2004, at 8:30 am, to continue clause-by-clause examination of the Bill.
7. There being no other business, the meeting ended at 12:30 pm.

Council Business Division 1
Legislative Council Secretariat
19 May 2004

**Proceedings of the tenth meeting of the Bills Committee on
Construction Workers Registration Bill
Thursday, 13 May 2004, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker	Subject(s)	Action required
<i>Agenda Item I – Confirmation of minutes of meeting and matters arising</i>			
000000 – 000101	Chairman	- Confirmation of minutes of the meeting held on 29 April 2004 [LC Paper No. CB(1)1768/03-04]	
<i>Agenda Item II – Meeting with the Administration</i>			
000102-000721	Chairman Administration	<p>The Administration's response to matters raised by members at the last meeting [LC Paper No. CB(1)1767/03-04(01)]</p> <p><u>Expiry and renewal of registration</u> Newly-proposed Committee Stage amendments (CSAs) to the new clause 42(6A) and clause 42(6) [LC Paper Nos. CB(1)1767/03-04(02) and (03)]</p> <p>The Administration to further revert on the following matters pending consultation with the trade associations and trade unions:</p> <p>(a) arrangements for handling application for re-registration from a person who obtained the first registration through grandfathering arrangement;</p> <p>(b) expiry of registration as registered skilled workers (transitional); and</p> <p>(c) qualifying period for senior workers to be registered as skilled workers (transitional).</p>	The Administration to revert
000722-002216	Ms LI Fung-ying Administration Chairman Mr LEE Cheuk-yan ALA7	<p><u>Newly-proposed CSAs on prosecution and investigation powers of the Authority</u></p> <p>- Members' concern about the need to provide adequate safeguard to "authorized officers" who were empowered to use force to enter and search a construction site under the new clause 17B</p> <p>- The Administration's explanation that reference had been made to similar provisions in the Merchant Shipping (Seafarers) Ordinance</p>	

Time Marker	Speaker	Subject(s)	Action required
		<p>(Cap. 478) and the Occupational Safety and Health Ordinance (Cap. 509)</p> <ul style="list-style-type: none"> - The Administration to further consider members' concern that as such authorized officers were not properly trained as the Police, they might lack the necessary protection in case they met with resistance when performing their duties. In this connection, it might be more appropriate if assistance could be provided by the Police when enforcement actions were required. 	<p>The Administration to revert</p>
002217-002523	Administration Chairman	<p><u>Clause 45 - Registration card</u></p> <p><u>Clause 46 - Registered construction worker to carry registration card</u></p>	
002524-003755	Administration Chairman Ms LI Fung-ying ALA7	<p><u>Clause 47 - Cancellation of registration</u></p> <ul style="list-style-type: none"> - Ms LI Fung-ying's request for the Administration to provide more lenient treatment to those senior workers who had failed to renew their registration with reasonable excuse. Otherwise, it would be very difficult for such workers who did not have the relevant trade test certificate or qualification to seek re-registration. - The Administration's undertaking that Ms LI Fung-ying's view would be considered together with the arrangements for handling application for re-registration from a person who obtained the first registration through grandfathering arrangement 	<p>The Administration to consider and revert</p>
003756-003845	Administration	<p><u>Clause 48 - Correction of errors on Register</u></p>	
003846-003926	Administration Chairman	<p><u>Part 6 - Complaints against registered construction workers</u></p> <p>Clauses 49 to 51 to be deleted</p>	
003927-004207	Administration Chairman	<p><u>Clause 52 - Review of decisions</u></p> <p><u>Clause 53 - Notice of appeal</u></p>	

Time Marker	Speaker	Subject(s)	Action required
004208-004507	Administration Ms LI Fung-ying Chairman	<u>Clause 54 - Appeal Board panel</u> The Administration to consider improving the drafting of the Chinese text of clause 54(3)(b) from "的年期" to "其任期"	The Administration to revert and provide relevant CSAs
004508-005427	Administration Chairman Ms LI Fung-ying Ms Cyd HO	<u>Clause 55 - Appeal Board</u> The Administration to consider members' view and specify under clause 55(2) that the five members of an Appeal Board would be selected from different groups of the Appeal Board panel	The Administration to revert and provide relevant CSAs
005428-010523	Administration Ms LI Fung-ying Chairman ALA7 Ms Cyd HO	<u>Clause 56 - Proceedings before Appeal Board</u> The Administration's explanation that a party to an appeal might authorize in writing any other person to represent him/herself at the hearing of the appeal <u>Clause 57 - Legal adviser</u>	
010524-012717	Administration Ms LI Fung-ying Chairman ALA7	<u>Clause 58 - Powers of Appeal Board</u> Members' request for the Administration to consider amending clause 58(1)(b) so that the Appeal Board could have the flexibility of requiring an appellant to undergo training courses if such an option was adopted to ascertain the level of competence of senior workers to be registered as skilled workers (transitional)	The Administration to consider and revert
012718-013358	Administration Chairman Ms LI Fung-ying	<u>Clause 59 - Principal contractors and controllers to retrieve and record data of registered construction workers on construction site</u>	
013359-013745	Administration Chairman	<u>Clause 60 - Authorized officers and levy inspectors</u> The Administration's explanation that consequent to newly-proposed CSAs on prosecution and investigation powers of the Authority, clause 60 would be deleted with sub-clauses (1) and (2) on "authorized officers" to be incorporated under the new Part 3A, while sub-clause (3) on "levy inspectors" for the purpose of Part 4	

Time Marker	Speaker	Subject(s)	Action required
		would be incorporated under clauses 18 and 30A	
013746-014103	Administration Chairman	<u>Clause 61 - Offences of making false or misleading statements and of failure to attend inquiries of hearings as witness, etc.</u> <u>New Clause 61A - Prosecution may be brought in Authority's name</u>	
<i>Agenda Item III – Any other business</i>			
014104-014118	Chairman	Next meeting to be held on 21 May 2004, at 8:30 am to continue clause-by-clause examination of the Bill	

Council Business Division 1
Legislative Council Secretariat
19 May 2004